



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: NOVEMBER 28, 2022

IN THE MATTER OF:

Appeal Board No. 625193

PRESENT: JUNE F. O'NEILL, MEMBER

In Appeal Board Nos. 625193 and 625194, the claimant appeals from the decisions of the Administrative Law Judge filed August 2, 2022, which sustained the initial determinations disqualifying the claimant from receiving benefits, effective March 9, 2022, on the basis that the claimant voluntarily separated from employment without good cause; and reducing the claimant's right to receive future benefits by four effective days on the basis that the claimant made a willful misrepresentation to obtain benefits.

At the combined telephone conference hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There were appearances on behalf of the claimant and the employer.

In Appeal Board No. 625194, we have reviewed the entire record and have considered the testimony and other evidence. It appears that no errors of fact or law have been made insofar as they concern the issue of willful misrepresentation. The findings of fact and the opinion of the Administrative Law Judge, insofar as they concern the issue of willful misrepresentation only, are fully supported by the record and, therefore, are adopted as the findings of fact and the opinion of the Board.

In Appeal Board No. 625193, as to the issue of voluntary separation without good cause, based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant was employed by an electrical contractor as an electrician for over six months until about March 8, 2022. His job site was

located in Nassau County. He originally resided in Queens, but subsequently moved to Brooklyn. He commuted to work by car. On or about March 6, 2022, his car was impounded, and he could not afford the \$2,000 fee to get it released. On or about March 8, the employer informed him that he would be working at the job site located in Yonkers starting March 9. The new commute to work was at least 92 minutes using public transportation. Thereafter, the claimant resigned his employment because of the new lengthy commute work to the employer's Yonkers job site.

OPINION: The credible evidence establishes that the claimant voluntarily left his employment because of the lengthy commute to work to the employer's Yonkers location. Significantly, the commute by public transportation was over 90 minutes. The Board has found good cause to leave employment where a claimant's commute was more than 90 minutes by public transportation (see Appeal Board No. 560574). Accordingly, we conclude that the claimant had good cause to voluntarily leave his employment and that his employment ended under non-disqualifying circumstances.

DECISION: The decisions of the Administrative Law Judge are reversed in part and affirmed in part.

In Appeal Board No. 625193, the initial determination, disqualifying the claimant from receiving benefits, effective March 9, 2022, on the basis that the claimant voluntarily separated from employment without good cause, is overruled.

In Appeal Board No. 625194, the initial determination reducing the claimant's right to receive future benefits by four effective days on the basis that the claimant made a willful misrepresentation to obtain benefits, is sustained.

JUNE F. O'NEILL, MEMBER